

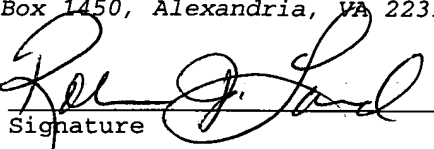


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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Signature

Appl No. : 10/665,839 Confirmation No. 6047  
Applicant : Stephen C. James  
Filed : September 19, 2003  
Title : SWITCH WITH INSULATION DISPLACEMENT CONNECTORS  
  
TC/A.U. : 2832  
Examiner : Kyung S. Lee  
  
Docket No. : 50922/RDS/J106  
Customer No. : 23363

REQUEST FOR RECONSIDERATION

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Post Office Box 7068  
Pasadena, CA 91109-7068  
September 9, 2005

Commissioner:

This is in response to an Office action dated August 30, 2005.

Applicant has received a communication from the Patent and Trademark office entitled "Notice of Non-Compliant Amendment." The paper applicant submitted to the Patent and Trademark Office which is allegedly non-compliant is not an Amendment. No changes whatsoever were made in the claims or any other part of the application papers submitted. Applicant's paper was simply a "Request for Reconsideration" of a Requirement for Restriction. The allegation that the paper is "non-compliant"

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is, therefore, erroneous and it is requested that it be reconsidered and withdrawn.

According to the Notice received from the Patent and Trademark Office, it is alleged that the "amendment document" is non-compliant because in the amendments to the claims, "A. A complete listing of all of the claims as not present" . . . and "C. Each claim has not been provided with the proper status identifier . . ." Applicant submits that since no amendment of the claims whatsoever has been made in the document filed, there is no requirement for a complete listing of the claims nor for any status identifier for the claims, as would be required under 37 CFR § 1.121.

Section 1.121 is entitled "Manner of Making Amendments in Applications." This section sets forth the formalities or typographical form of amendments, if amendments are in fact made. Applicant's paper filed in response to the Requirement for Restriction is submitted under 37 CFR § 1.111, which states in part: "If the Office action after the first examination is adverse in any respect, the applicant . . . must reply and request reconsideration . . . with or without amendment" Since applicant's reply in response to the Requirement for Restriction was without amendment Thus, there is no requirement that the claims be set forth in full.

As an attachment to the response requesting reconsideration of the Requirement for Restriction, applicant set forth an outline of independent claims in redacted form and solely for the Examiner's convenience, some of the claims without redacting to show that the emphasized portions in the redacted claims are

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accurate. Apparently this summary of a few of the claims was somehow mistaken for an "amendment". It is not an amendment since everything in these claims is exactly as it existed in the application before the Requirement for Restriction.

In every case applicant has previously encountered, when responding to a Requirement for Restriction, regardless of whether any election is made with or without traverse, there has never been any requirement that all of the claims be set forth since there has been no amendment of the claims. There is nothing in the rules requiring a repeating of the claims as they previously existed in the application. There is no reason that they need to be set forth when requesting reconsideration of the Requirement for Restriction in this case.

Regardless of applicant's position that there is no "non-compliant amendment" applicant encloses herewith a copy of the "listing of claims" from the Amendment filed in this application on May 5, 2005. This is a complete listing and each of the claims includes the proper status identifier. Although applicant considers that this is surplusage, it is requested that this listing of the claims be accepted by the Patent and Trademark Office as part of the Request for Reconsideration filed on August 16, 2005, so that it is now "complaint."

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Applicant repeats the Request for Reconsideration previously filed in this application and requests an action on the merits of all of the claims in the case.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By Richard D. Seibel

Richard D. Seibel

Reg. No. 22,134

626/795-9900

RDS/sc

Enclosure: Copy of "listing of claims" from  
the Amendment filed on May 5, 2005.

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